HIGH COURT OF CHHATTISGARH AT BILASPUR

M.A. No. 1240 of 2005

Appellants	1.	Smt. Rameshwari Bai, aged about 29 years, Wd/o Bhagirathi Sahu, Occupation- House wife.
	2.	Chitranjan Sahu, aged about 6 years, Minor child of Late Bhagirathi Sahu.
	3.	Ku. Puja, aged about 14 years, Minor child of Late Bhagirathi Sahu.
	4.	Chhannulal, aged about 14 years, Minor child of Late Bhagirathi Sahu.
	5.	Smt. Sonbati Bai, aged about 65 years, Wd/o Dauraram Sahu, Legal representative of the appellants No.s 2, 3 and 4 Smt. Rameshwari Bai, All are R/o Village- Kendri, P.S. Abhanpur, Tahsil and District- Raipur (C.G.).
	Versus	
Respondents	1.	Barsati Ram Sahu, W/o Dhanram Sahu, R/o Adarsh Nagar Jalghar Tikrapara, Raipur (C.G.).
	2.	The United India Insurance Company Ltd. Amar Complex Jeevan Bima Nigam Marg, Pandari, Raipur (C.G.), Through – Divisional Manager, Divisional Office, Kachahari Chowk, Jail Road, Raipur (C.G.).

DB: Hon'ble Shri Justice S. R. Nayak, C.J.
& Hon'ble Shri Justice Satish K. Agnihotri, J.

Mr. S. C. Verma, Advocate, for the appellants.

Mr. Sri Kumar Agarwal, Advocate for the Respondent No.2.

ORAL ORDER

(20th December 2005)

The following order of the Court was passed by **S. R. Nayak, C.J.**

1. This is a claimants' appeal seeking more compensation. Although it was contended by Shri Verma, learned counsel for the appellants that the M.A.C.T. ought not to have taken the income of the deceased at the notional level, because, he was working as mason, as per the evidence of the wife of the deceased, the contention is

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not acceptable to us, because, there is total lack of evidence to show that the deceased was a mason and he was earning more than what is taken as his income. It was next contended that what is awarded under the conventional heads is on lower side. As we said in large number of our orders that the compensation to be awarded under the conventional heads should also reflect the time and place, particularly, in view of the steep fall in money value in recent years. In that view of the matter, we award Rs. 20,000/- towards 'loss of consortium' to the widow, Rs. 20,000/- towards 'loss of love and affection' to the minor children, Rs. 20,000/- towards 'loss to the estate' and Rs. 5000/- towards 'funeral expenses'.

2. The impugned award shall stand modified in the above terms and in all other respects, the impugned award shall remain unaltered. In the facts and circumstances of the case, both the parties are directed to bear their respective costs in this appeal.

Sd/-
Chief Justice

Sd/-
Satish K. Agnihotri
Judge

Thakur